

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, SEPTEMBER 10, 2013 – 7:00 P.M.

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

Mayor Fraim called upon George Homewood, Assistant Director of Planning and President of the American Planning Association. *PlaNorfolk 2030* was recognized by the APA, Virginia Chapter for the outstanding plan prepared by a large jurisdiction. The plan was developed entirely in house with no consultant services. Mr. Homewood presented the award to the City Council and the City Manager.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day pursuant to action of the Council on **August 27, 2013**, under State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the conveyance of the City of Norfolk's interest, if any, in certain lots known as **1320 Bolton Street** to **Christopher Atkins and Lakisha Atkins**.

Thereupon, an Ordinance entitled, "An Ordinance authorizing the conveyance to **Christopher Atkins and Lakisha Atkins**, of a certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

CONSENT AGENDA

C-1

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of **Mary M. Oliver** for a conditional rezoning from R-6 (One-Family) District to R-7 (One-Family) District on property located at **117 to 121 Hicks Avenue**.

ACTION: City Clerk authorized to advertise for a public hearing on October 8, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

C-2

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a **GEM Lot** to **Glenis G. Williams** on property located at **924 Wilson Road**.

ACTION: City Clerk authorized to advertise for a public hearing on October 8, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

C-3

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission on behalf of Levi Chapman** to amend Sections 4-16 and 25-10.2 of the **Zoning Ordinance of the City of Norfolk, 1992**, in order to allow Day Care Homes by **Special Exception** on lots with a minimum lot size of 6,000 square feet.

ACTION: City Clerk authorized to advertise for a public hearing on October 8, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a Pedestrian Commercial Overlay District Development Certificate to permit the renovation of an industrial building and conversion to mixed uses at **935 Woodrow Avenue**,” was introduced in writing and read by its title.

Patty Letchworth, 930 Lake Point Road and Robyn Thomas, 913 West 21st Street, Suite C, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting the **donation of a 2014 Ford Explorer** valued at \$26,369.08 and reimbursement of the cost of the installation of emergency equipment on the vehicle in an amount not to exceed \$5,000.00 from the **United States Marshals Service** to the City to support the **Police Department** and authorizing the use of the vehicle for city purposes,” was introduced in writing and read by its title.

Michael Muhammad, 3829 Powhatan Avenue, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance amending Ordinance None. 44,850 accepting and appropriating \$692,491 from the **Virginia Department of Fire Programs for the “Aid-to-Localities” Program** for Fiscal Year 2013,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$5,000.00 in grant funding from **FM Global** for the purchase of equipment and supplies for arson investigations by the **Department of Fire-Rescue** and appropriating and authorizing the expenditure of the funds for the purchase of the equipment and supplies for arson investigations,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance gratefully accepting the gift of a work of art from the **Slover Library Foundation**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment on property located at **4019 Granby Street**,” was introduced in writing and read by its title.

Mike Diaz, 424 Connecticut Avenue, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit mixed uses on property located at **701 South Main Street and 106 to 120 West Liberty Street**,” was introduced in writing and read by its title.

Craig Patterson, 229 Huber Village Boulevard, Ohio, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and a Resolution entitled, “A Resolution approving the renewal for Fiscal Year 2014 of the **Norfolk Community Services Board’s Performance Contract** with the Commonwealth,” was introduced in writing and read by its title.

ACTION: Continued to September 17, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **Virginia Department of Criminal Justice Services (DCJS) General Fund Grant Award** of \$32,275 from DCJS for the **Norfolk Court-Appointed Special Advocate (CASA) Program**, appropriating and authorizing the expenditure of the grant funds for the program and appropriating and authorizing the expenditure of \$10,758 in local matching funds for the program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$100,000.00 in U.S.D.A. Program reimbursement funding for the fiscal year beginning July 1, 2013 and ending June 30, 2014 from the **Virginia Department of Juvenile Justice for the U.S.D.A School Nutrition Breakfast, Lunch and Special Milk Program** for the food service operation at the Norfolk Juvenile Detention Center and appropriating and authorizing the expenditure of the funds for the program at the Juvenile Detention Center,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and authorizing the Conveyance of a 30’ utility easement to Hampton Roads Sanitation District, relative to the **Lafayette River Crossing Project** from Luxembourg Avenue to the Virginia Zoological Park in Norfolk, Virginia, and approving the terms of the Deed of Easement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving and authorizing the Conveyance of a variable width temporary construction easement to the Hampton Roads Sanitation District, relative to the **Lafayette River Crossing Project** from Luxembourg Avenue to the Virginia Zoological Park in Norfolk, Virginia, and approving the terms of the Deed of Easement,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective October 11, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Chapter 25.1 Division 3 of the **Norfolk City Code, 1979**, regarding use of metered parking spaces and hours of operation **SO AS TO** provide for the **veterans’ paid parking exemption**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$113,617 in **Local Emergency Management Performance Grant Funds from the Virginia Department of Emergency Management**, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of up to \$113,617 in local matching funds to support salaries and for other emergency management related costs,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia of up to \$275,000,000 in **general obligation refunding bonds** to refund earlier bond issues and other general obligation debt of the City of Norfolk,” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain Section 6.1-7 of the **Code of the City of Norfolk, Virginia, 1979**, **SO AS TO** establish regulations and permit requirements for the keeping of chickens within the City,” was introduced in writing and read by its title.

The following people spoke in favor of this matter: Alan Cudworth, 9283 Atwood Avenue; Anthony Speight, 1220 Pascal Place; Britt McReynolds, 8906 Granby Street; Miranda O’Neil, 538 West Little Creek Road; Sarah Mullin, 2626 Marlboro Avenue; and Kaline Smith, 5264 Texas Avenue.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Smigiel, Whibley, Williams, and Winn.

No: Riddick and Fraim.

R-17

Letter from the City Manger and an Ordinance entitled, “An Ordinance to **schedule a City Council meeting on Tuesday, September 17, 2013** at 2:00 p.m.,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-18

Letter from the City Attorney and an Ordinance entitled, “An Ordinance to **change the starting time of the regular weekly City Council meeting** scheduled for Tuesday, September 24, 2013 at 7:00 p.m. to September 23, 2013 at 9:00 a.m. and to move the location of said meeting,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-19

A Resolution entitled, “A Resolution appointing Julie L. Damman, M.D., F.A.C.P. to the Board of the Medical College of Hampton Roads for a certain term,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective September 10, 2013.

Yes: Burfoot, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Alexandria Russell, 5386 Old Court Drive, commented on the HRSD services, asking to be exempted from the solid waste disposal fee.
2. Richard Woolard, 311 West 35th Street, spoke as the EERC Chairman, and asked council to consider general employees during budget time.
3. Donald Hornstein, 1309 Stockley Gardens, spoke regarding the depilated building at 161 Granby Sreet.
4. Danny Lee Ginn, 3844 Dare Circle, commented on good government.